

**Executive Summary – Enforcement Matter – Case No. 43814**

**City of Stamford**

**RN101920189**

**Docket No. 2012-0700-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Stamford, located approximately 8,400 feet northeast of the intersection of the Fort Worth and Denver Railroad and State Highway 6 and adjacent to Stink Creek, Jones County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** December 14, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$17,655

**Amount Deferred for Expedited Settlement:** \$3,531

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$14,124

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 43814**

**City of Stamford**

**RN101920189**

**Docket No. 2012-0700-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** January 10, 2012

**Date(s) of NOE(s):** February 7, 2012

***Violation Information***

1. Failed to correctly report effluent data on the discharge monitoring reports ("DMRs"). Specifically, loading values for biochemical oxygen demand, total suspended solids, and ammonia nitrogen were not calculated correctly for the monitoring periods ending December 31, 2010 through November 30, 2011 [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010472002, Monitoring and Reporting Requirements No. 1].
2. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the sludge judge was inoperable, the clarifier had heavy rust and holes in the skirt, and the holding pond had trees along its embankment [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5), TPDES Permit No. WQ0010472002, Operational Requirements No. 1].
3. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operation companies holding a valid license or registration. Specifically, the back-up/relief operator's wastewater operator license expired on June 17, 2005 [30 TEX. ADMIN. CODE §§ 305.125(1) and 30.331(b) and TPDES Permit No. WQ0010472002, Other Requirements No. 1].
4. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment. Specifically, there was a build-up of sludge in the receiving stream at the outfall. In addition, the gates to the bypass route were not closing properly allowing wastewater to reach the outfall without complete treatment [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(4), and TPDES Permit No. WQ0010472002, Permit Conditions No. 2.d].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require Respondent to:

- a. Within 15 days, ensure that all Facility operators are properly certified;

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**City of Stamford**

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b. Within 30 days:

i. Submit written certification of compliance with Ordering Provision a.;

ii. Remove and properly dispose of the sludge build-up at the outfall and the trees along the holding pond embankment, and repair and/or replace the sludge judge, clarifier skirt, and the gates to the bypass route;

iii. Submit revised DMRs for the monitoring periods ending December 31, 2010 through November 30, 2011 to correct loading values; and

iv. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished and that effluent loading values are properly calculated.

c. Within 45 days, submit written certification demonstrating compliance with Ordering Provision b.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Jennifer Graves, Enforcement Division, Enforcement Team 1, MC R-15, (956) 430-6023; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** The Honorable Johnny Anders, Mayor, City of Stamford, 201 East Mcharg Street, Stamford, Texas 79553

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

**DATES**

**Assigned**

13-Feb-2012

**PCW**

5-Jul-2012

**Screening**

27-Feb-2012

**EPA Due**

## RESPONDENT/FACILITY INFORMATION

**Respondent** City of Stamford

**Reg. Ent. Ref. No.** RN101920189

**Facility/Site Region** 3-Abilene

**Major/Minor Source** Minor

## CASE INFORMATION

**Enf./Case ID No.** 43814

**Docket No.** 2012-0700-MWD-E

**Media Program(s)** Water Quality

**Multi-Media**

**No. of Violations** 4

**Order Type** 1660

**Government/Non-Profit** Yes

**Enf. Coordinator** Jennifer Graves

**EC's Team** Enforcement Team 1

**Admin. Penalty \$ Limit Minimum**

\$0

**Maximum**

\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$12,500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

7.0%

Enhancement

**Subtotals 2, 3, & 7** \$875

**Notes**

Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations.

**Culpability**

No

0.0%

Enhancement

**Subtotal 4** \$0

**Notes**

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5** \$0

**Economic Benefit**

Total EB Amounts

\$1,931

Approx. Cost of Compliance

\$25,543

0.0% Enhancement\*

\*Capped at the Total EB \$ Amount

**Subtotal 6** \$0

**SUM OF SUBTOTALS 1-7**

**Final Subtotal** \$13,375

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

0.0%

**Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$13,375

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty** \$13,375

**DEFERRAL**

20.0%

Reduction

**Adjustment** -\$2,675

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

\$10,700

Screening Date 27-Feb-2012

Docket No. 2012-0700-MWD-E

PCW

Respondent City of Stamford

Policy Revision 3 (September 2011)

Case ID No. 43814

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920189

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 7%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 7%

Screening Date 27-Feb-2012

Docket No. 2012-0700-MWD-E

PCW

Respondent City of Stamford

Policy Revision 3 (September 2011)

Case ID No. 43814

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920189

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010472002, Monitoring and Reporting Requirements No. 1

Violation Description Failed to correctly report effluent data on the discharge monitoring reports ("DMRs"), as documented during an investigation conducted on January 10, 2012. Specifically, loading values for biochemical oxygen demand, total suspended solids, and ammonia nitrogen were not calculated correctly for the monitoring periods ending August 31, 2011 through November 30, 2011.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
		x		2.5%

Matrix Notes

50% of the permit requirement was not met.

Adjustment \$24,375

\$625

## Violation Events

Number of Violation Events 4 Number of violation days 91

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

Four single events are recommended, one for each DMR.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$2,675

This violation Final Assessed Penalty (adjusted for limits) \$2,675

# Economic Benefit Worksheet

**Respondent** City of Stamford  
**Case ID No.** 43814  
**Reg. Ent. Reference No.** RN101920189  
**Media** Water Quality  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	20-Sep-2011	31-Dec-2012	1.28	\$0	\$9	\$9
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	10-Jan-2012	31-Dec-2012	0.98	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to correct and resubmit the DMRs (\$25 x 4 = \$100). Date required is the date the first DMR was due. Final date is the expected date of compliance. The estimated cost to update operational guidance and conduct employee training to ensure that all monitoring records are properly maintained and all reporting requirements are met. Date required is the investigation date. Final date is the expected date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$350

**TOTAL**

\$21

**Screening Date** 27-Feb-2012  
**Respondent** City of Stamford  
**Case ID No.** 43814  
**Reg. Ent. Reference No.** RN101920189  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jennifer Graves  
**Violation Number** 2

**Docket No.** 2012-0700-MWD-E

**PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and 305.125(5), TPDES Permit No. WQ0010472002, Operational Requirements No. 1

**Violation Description**

Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on January 10, 2012. Specifically, the sludge judge was inoperable, the clarifier had heavy rust and holes in the skirt, and the holding pond had trees along its embankment.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

**Percent** 5.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$23,750

\$1,250

**Violation Events**

**Number of Violation Events** 1

48 **Number of violation days**

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,250

One quarterly event is recommended from the investigation date (January 10, 2012) to the date of screening (February 27, 2012).

**Good Faith Efforts to Comply**

**0.0%** Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes**

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$1,365

**Violation Final Penalty Total** \$1,338

**This violation Final Assessed Penalty (adjusted for limits)** \$1,338



# Economic Benefit Worksheet

Respondent City of Stamford  
Case ID No. 43814  
Reg. Ent. Reference No. RN101920189  
Media Water Quality  
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$20,000	10-Jan-2012	31-Dec-2012	0.98	\$65	\$1,300	\$1,365
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of the trees along the holding pond embankment, and repair and/or replace the sludge judge and clarifier skirt. Date required is the investigation date. Final date is the expected date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$1,365

Screening Date 27-Feb-2012

Docket No. 2012-0700-MWD-E

PCW

Respondent City of Stamford

Policy Revision 3 (September 2011)

Case ID No. 43814

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920189

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 30.331(b) and TPDES Permit No. WQ0010472002, Other Requirements No. 1

Violation Description

Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operation companies holding a valid license or registration, as documented during an investigation conducted on January 10, 2012. Specifically, the back-up/relief operator's wastewater operator license expired on June 17, 2005.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential	x		

Percent 15.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Failure to employ or contract a licensed individual to operate the Facility could result in poor operation of the Facility, which in turn could result in the exposure of significant amounts of pollutants which would exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 2

48 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

Two monthly events are recommended from the investigation date (January 10, 2012) to the date of screening (February 27, 2012).

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$203

Violation Final Penalty Total \$8,025

This violation Final Assessed Penalty (adjusted for limits) \$8,025

# Economic Benefit Worksheet

Respondent City of Stamford  
 Case ID No. 43814  
 Reg. Ent. Reference No. RN101920189  
 Media Water Quality  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$193	10-Jan-2012	27-Feb-2012	1.05	\$10	\$193	\$203
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost of obtaining a certified wastewater treatment plant operator license. The date required is the investigation date and the final date is the date of screening.

Approx. Cost of Compliance

\$193

TOTAL

\$203

Screening Date 27-Feb-2012

Docket No. 2012-0700-MWD-E

PCW

Respondent City of Stamford

Policy Revision 3 (September 2011)

Case ID No. 43814

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101920189

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 4

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(4), and TPDES Permit No. WQ0010472002, Permit Conditions No. 2.d

## Violation Description

Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment, as documented during an investigation conducted on January 10, 2012. Specifically, there was a build-up of sludge in the receiving stream at the outfall. In addition, the gates to the bypass route were not closing properly allowing wastewater to reach the outfall without complete treatment.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective as a result of this violation.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

48 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (January 10, 2012) to the date of screening (February 27, 2012).

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$341

Violation Final Penalty Total \$1,338

This violation Final Assessed Penalty (adjusted for limits) \$1,338

# Economic Benefit Worksheet

Respondent City of Stamford  
Case ID No. 43814  
Reg. Ent. Reference No. RN101920189  
Media Water Quality  
Violation No. 4

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	10-Jan-2012	31-Dec-2012	0.98	\$16	\$325	\$341
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair gates and remove and properly dispose of sludge at the outfall. Date required is the investigation date. Final date is the expected date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$341



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

**DATES** Assigned **13-Feb-2012**  
PCW **5-Jul-2012** Screening **27-Feb-2012** EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent **City of Stamford**  
Reg. Ent. Ref. No. **RN101920189**  
Facility/Site Region **3-Abilene** Major/Minor Source **Minor**

## CASE INFORMATION

Enf./Case ID No. **43814** No. of Violations **1**  
Docket No. **2012-0700-MWD-E** Order Type **1660**  
Media Program(s) **Water Quality** Government/Non-Profit **Yes**  
Multi-Media  Enf. Coordinator **Jennifer Graves**  
EC's Team **Enforcement Team 1**

Admin. Penalty \$ Limit Minimum **\$0** Maximum **\$10,000**

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$4,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **7.0%** Enhancement Subtotals 2, 3, & 7 **\$280**

Notes Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations.

Culpability **No** **0.0%** Enhancement Subtotal 4 **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 **\$0**

Economic Benefit **0.0%** Enhancement\* Subtotal 6 **\$0**

Total EB Amounts **\$27**  
Approx. Cost of Compliance **\$200**  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal **\$4,280**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$4,280**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty **\$4,280**

**DEFERRAL** **20.0%** Reduction Adjustment **-\$856**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$3,424**

Screening Date 27-Feb-2012

Docket No. 2012-0700-MWD-E

PCW

Respondent City of Stamford

Policy Revision 2 (September 2002)

Case ID No. 43814

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920189

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one NOV with same/similar violations and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 7%

Screening Date 27-Feb-2012

Docket No. 2012-0700-MWD-E

PCW

Respondent City of Stamford

Policy Revision 2 (September 2002)

Case ID No. 43814

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101920189

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010472002, Monitoring and Reporting Requirements No. 1

Violation Description Failed to correctly report effluent data on the discharge monitoring reports ("DMRs"), as documented during an investigation conducted on January 10, 2012. Specifically, loading values for biochemical oxygen demand, total suspended solids, and ammonia nitrogen were not calculated correctly for the monitoring periods ending December 31, 2010 through July 31, 2011.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes

50% of the permit requirement was not met.

Adjustment \$9,500

\$500

## Violation Events

Number of Violation Events 8

212 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$4,000

Eight single events are recommended; one for each DMR.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$4,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$4,280

This violation Final Assessed Penalty (adjusted for limits) \$4,280



# Economic Benefit Worksheet

Respondent City of Stamford

Case ID No. 43814

Reg. Ent. Reference No. RN101920189

Media Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	20-Jan-2011	31-Dec-2012	1.95	\$1	\$26	\$27
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to correct and resubmit the DMRs (\$25 x 8 = \$200). Date required is the date the first DMR was due. Final date is the expected date of compliance. See Economic Benefit on accompanying PCW for estimated cost to update operational guidance and conduct employee training.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$27

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600633861	City of Stamford	Classification: AVERAGE	Rating: 2.65
Regulated Entity:	RN101920189	CITY OF STAMFORD	Classification: AVERAGE	Site Rating: 0.18
ID Number(s):	WASTEWATER	PERMIT	WQ0010472002	
	WASTEWATER	EPA ID	TX0025411	
	WASTEWATER LICENSING	LICENSE	WQ0010472002	
Location:	APPROX 8,400 FT NE OF THE INTX OF THE FW&D RR AND STATE HWY 6 AND ADJACENT TO STINK CREEK IN JONES CO, TX			
TCEQ Region:	REGION 03 - ABILENE			
Date Compliance History Prepared:	March 15, 2012			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 15, 2007 to March 15, 2012			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Jennifer Graves	Phone:	(956) 430-6023	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 03/27/2007 (578475)
- 2 04/20/2007 (578476)
- 3 05/18/2007 (578477)
- 4 06/27/2007 (578478)
- 5 07/11/2007 (602497)
- 6 08/20/2007 (602498)
- 7 10/01/2007 (620694)
- 8 10/29/2007 (620695)
- 9 11/29/2007 (620696)

10	03/08/2008	(672936)
11	01/02/2008	(672937)
12	03/24/2008	(690999)
13	04/25/2008	(691000)
14	01/31/2008	(691001)
15	06/04/2008	(711880)
16	07/07/2008	(711881)
17	08/04/2008	(711882)
18	08/18/2008	(711883)
19	09/25/2008	(711884)
20	11/24/2008	(728309)
21	12/29/2008	(728310)
22	03/27/2009	(737048)
23	06/30/2009	(749378)
24	02/20/2009	(751336)
25	01/27/2009	(751337)
26	03/30/2009	(769140)
27	05/04/2009	(769141)
28	01/05/2010	(784696)
29	02/24/2010	(807199)
30	09/16/2009	(807200)
31	10/23/2009	(807201)
32	12/03/2009	(807202)
33	12/18/2009	(807203)
34	01/21/2010	(807204)
35	06/15/2010	(826152)
36	03/17/2010	(831791)
37	04/23/2010	(831792)
38	06/14/2010	(845113)
39	08/18/2010	(861110)

40 08/18/2010 (867176)  
 41 09/20/2010 (874229)  
 42 10/21/2010 (881828)  
 43 01/05/2011 (896595)  
 44 02/14/2011 (902604)  
 45 02/14/2011 (902605)  
 46 01/21/2011 (902606)  
 47 03/08/2011 (916652)  
 48 03/28/2011 (916653)  
 49 04/14/2011 (925812)  
 50 06/05/2009 (925813)  
 51 06/23/2009 (925814)  
 52 07/24/2009 (925815)  
 53 08/18/2009 (925816)  
 54 05/20/2011 (938348)  
 55 06/17/2011 (945715)  
 56 07/20/2011 (952963)  
 57 08/15/2011 (959622)  
 58 09/12/2011 (965661)  
 59 10/19/2011 (971700)  
 60 11/28/2011 (977864)  
 61 02/07/2012 (982394)  
 62 01/11/2012 (990925)  
 63 01/11/2012 (990926)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/31/2007 (620696) CN600633861  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
  
 Date: 03/27/2009 (737048) CN600633861  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

	30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements PERMIT	
Description:	Failure to provide adequate safeguards in the event of an electrical power failure.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.9(a) Definitions and Permit Conditions PERMIT	
Description:	Failure to properly collect composite samples.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Sludge Provisions Section III PERMIT	
Description:	Failure to submit the Annual Sludge Report.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring and Reporting Requirements PERMIT	
Description:	Failure to submit the Discharge Monitoring Report (DMR) for September 2008.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(a) Monitoring and Reporting Requirements PERMIT	
Description:	Failure to provide a (NIST) traceable thermometer.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring and Reporting Requirements PERMIT	
Description:	Failure to properly calibrate the secondary flow measuring device.	

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF STAMFORD  
RN101920189**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-0700-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Stamford ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located approximately 8,400 feet northeast of the intersection of the Fort Worth and Denver Railroad and State Highway 6 and adjacent to Stink Creek in Jones County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 12, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventeen Thousand Six Hundred Fifty-Five Dollars (\$17,655) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Fourteen Thousand One Hundred Twenty-Four Dollars (\$14,124) of the administrative penalty and Three Thousand Five Hundred Thirty-One Dollars (\$3,531) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to correctly report effluent data on the discharge monitoring reports ("DMRs"), in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010472002, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on January 10, 2012. Specifically, loading values for biochemical oxygen demand, total suspended solids, and ammonia nitrogen were not calculated correctly for the monitoring periods ending December 31, 2010 through November 30, 2011.
2. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5), TPDES Permit No. WQ0010472002, Operational Requirements No. 1, as documented during an investigation conducted on January 10, 2012. Specifically, the sludge judge was inoperable, the clarifier had heavy rust and holes in the skirt, and the holding pond had trees along its embankment.
3. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operation companies holding a valid license or

registration, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 30.331(b) and TPDES Permit No. WQ0010472002, Other Requirements No. 1, as documented during an investigation conducted on January 10, 2012. Specifically, the back-up/relief operator's wastewater operator license expired on June 17, 2005.

4. Failed to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely affecting human health or the environment, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(4), and TPDES Permit No. WQ0010472002, Permit Conditions No. 2.d, as documented during an investigation conducted on January 10, 2012. Specifically, there was a build-up of sludge in the receiving stream at the outfall. In addition, the gates to the bypass route were not closing properly allowing wastewater to reach the outfall without complete treatment.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Stamford, Docket No. 2012-0700-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 15 days after the effective date of this Agreed Order, ensure that all Facility operators are properly certified;
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.d;



- ii. Remove and properly dispose of the sludge build-up at the outfall and the trees along the holding pond embankment, and repair and/or replace the sludge judge, clarifier skirt, and the gates to the bypass route;
  - iii. Submit revised DMRs for the monitoring periods ending December 31, 2010 through November 30, 2011 to correct loading values, in accordance with TPDES Permit No. WQ0010472002, Monitoring and Reporting Requirements; and
  - iv. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished and that effluent loading values are properly calculated.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.b, in accordance with Ordering Provision No. 2.d; and
- d. The written certification required by Ordering Provision Nos. 2.b.i and 2.c shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pam Dawkins  
For the Executive Director

2/7/13  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Johnny Anders  
Signature

October  
Date

Johnny Anders  
Name (Printed or typed)  
Authorized Representative of  
City of Stamford

Mayor / City of Stamford  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.